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05-CR-00116-ORD

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
GERALD GEORGE,  
Defendant.

NO. CR-05-116-RHW

ORDER REGARDING SCHEDULE  
FOR GUIDELINE SENTENCING

FILED  
LODGED  
MAR 27 2006  
CLERK AT SEATTLE  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
ENTERED  
RECEIVED

15 On this day, Defendant, accompanied by his attorney, Zenon Olbertz  
16 appeared and pleaded guilty in this matter. The Government was represented by  
17 Lawrence Lincoln, Assistant United States Attorney.

18 **IT IS ORDERED** that the date of the sentencing is July 19, 2006, at  
19 11:00 a.m. in Seattle, Washington. If a sentence of incarceration is imposed, the  
20 Defendant shall be placed in custody at the time of sentencing. Pending  
21 sentencing, Defendant shall be released pursuant to this court's previous  
22 order. The United States Probation Office shall prepare a timely presentence  
23 investigation report that will comply with the following schedule:

24 1. On or before June 9, 2006, the probation officer shall disclose the  
25 presentence investigation report to the Defendant, counsel for Defendant, and the  
26 Government.

27 On or before June 19, 2006, counsel shall communicate in writing to the  
28 probation office any objections they may have as to factual errors or omissions;

1 sentencing classifications; sentencing guideline ranges; and policy statements  
2 contained in or omitted from the report. Such communication may be oral initially  
3 but shall immediately be confirmed in writing to the probation officer and  
4 opposing counsel.

5 On or before June 19, 2006, counsel shall file and serve all motions and  
6 memoranda pertaining to Defendant's sentence, including objections and motions  
7 for downward or upward departures. Responses to such motions shall be filed and  
8 served on or before June 29, 2006. Any request with regard to self-reporting  
9 shall be made to the probation office at the same time any objections/motions  
10 are filed.

11 2. After receiving counsel's objections, the probation officer shall conduct  
12 any further investigation and make any revisions to the presentence report that  
13 may be necessary. The probation officer may require counsel for both parties to  
14 meet with the officer to discuss unresolved factual and legal issues, and counsel  
15 shall make themselves available for that purpose.

16 3. On or before July 10, 2006, the probation officer shall submit the  
17 presentence report to the sentencing judge. The report shall be accompanied by an  
18 addendum setting forth any objections counsel may have made, including those  
19 that have not been resolved, together with the officer's comments and  
20 recommendations thereon. The probation officer shall certify that the contents of  
21 the report, other than sentencing recommendations, including any revisions or  
22 addenda, have been disclosed to counsel for Defendant and the Government, and  
23 that the addendum fairly states any remaining objections.

24 4. Except with regard to any written objection made under subdivision (a),  
25 the report of the presentence investigation and computations shall be accepted by  
26 the court as accurate. For good cause shown, however, the Court may allow a new  
27 objection to be raised at any time before the imposition of sentence. In resolving  
28 disputed issues of fact, the court may consider any reliable information presented  
by the probation officer, Defendant or the Government.

1 5. Nothing in this rule requires the disclosure of any portions of the  
2 presentence report that are not disclosable under Rule 32 of the Federal Rules of  
3 Criminal Procedure.

4 6. The presentence report shall be deemed to have been disclosed (1) when  
5 a copy of the report is physically delivered; or (2) one day after the availability of  
6 the report for inspection is orally communicated; or (3) three days after a copy of  
7 the report, or notice of its availability is mailed to counsel, whichever date is  
8 earlier.

9 The District Court Executive is directed to enter this order and provide  
10 copies to counsel, as well as the U.S. Probation Office.

11 DATED this \_\_\_\_ day of March, 2006.

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15 ROBERT H. WHALEY  
United States District Judge  
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